



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/849,602	05/19/2004	David Byrne Reese	ODVFP008	7391
22434	7590	03/04/2009		
Weaver Austin Villeneuve & Sampson LLP			EXAMINER	
P.O. BOX 70250			COULTER, KENNETH R	
OAKLAND, CA 94612-0250				
			ART UNIT	PAPER NUMBER
			2441	
			MAIL DATE	DELIVERY MODE
			03/04/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/849,602

Applicant(s)

REESE, DAVID BYRNE

Examiner

Kenneth R. Coulter

Art Unit

2441

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 4/17/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 – 23 are rejected under 35 USC 101 because the claimed invention, in light of the specification (for example on page 23 (paragraph 70)), encompasses non-statutory subject matter since such reads on (encompasses) software or program per se' (In re Beauregard (CAFC) 35 USPQ2d 1383) and MPEP 2106 (new EXAMINATION GUIDELINES FOR COMPUTER-RELATED INVENTIONS). Even though drafted as "A method", each of the recited elements encompass their software or program per se' equivalent (i.e., a client such as a Netscape Web Browser and/or a server such as Apache are each software devices and yet phrased as a client and a server); thus, the whole of the method encompasses pure software or program per se'; unlike "A method executing on hardware". Also, while a hardware device claim, with functional acts, may inherently encompass a corresponding method, the same does not hold in the reverse since a corresponding method is broader in scope and can encompass a scope void of any hardware.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Flaxer et al. (U.S. Pat. Pub. No. 2004/0162741) (Method and Apparatus for Product Lifecycle Management in a Distributed Environment Enabled by Dynamic Business Process Composition and Execution By Rule Inference).

1.1 Regarding claim 1, Flaxer discloses a computer-implemented method for enabling consumption of services via a services network, the method comprising:

providing access to a services directory, the services directory identifying a plurality of services associated with the network and at least one connector for facilitating consumption of each of the services via the network, each connector being operable to mediate communication protocol and business policy differences between a first end point on the network associated with the corresponding service and a second end point on the network associated with a consumer of the service (Abstract; Figs. 15, 16A, 16B, 16C, 17A, 17B; paragraph 290 "conflict among rules"; paragraphs 39, 41, 42);

for each of selected ones of the connectors, providing information accessible via the services directory regarding how to use the connector to consume the corresponding service (Abstract; Figs. 15, 16A, 16B, 16C, 17A, 17B; paragraph 290, 42, 260, 264); and

for each of selected ones of the services, providing access to a connector design process via the services directory, the connector design process being operable to facilitate creation of a new connector for the corresponding service, and to specify at least one business process for mediating the business policy differences (Abstract; Figs. 15, 16A, 16B, 16C, 17A, 17B; paragraph 290 "change PLM-flow schema"; paragraphs 39, 41, 42).

1.2 Per claim 2, Flaxer teaches the method of claim 1 further comprising controlling visibility of each of the connectors in the services directory according to an identity associated with each user on the services network (Abstract; paragraph 42 "based on user identification of a target task"; paragraph 290).

1.3 Regarding claim 3, Flaxer discloses the method of claim 2 wherein controlling visibility of the connectors is also done with reference to a policy framework associated with the network, the policy framework defining access policies relating to the plurality of services (Abstract; paragraphs 42, 290).

1.4 Per claim 4, Flaxer teaches the method of claim 3 further comprising configuring

the policy framework for a particular one of the services in response to input received from a service provider representative associated with the particular service (Abstract “service repository”; paragraph 21, 22, 30, 82).

1.5 Regarding claim 5, Flaxer discloses the method of claim 3 further comprising configuring the policy framework for a user in response to input received from an authorized representative of an enterprise associated with the user (Fig. 5; paragraphs 98, 112).

1.6 Per claim 6, Flaxer teaches the method of claim 3 wherein the policy framework specifies **any of** access, authentication, and encryption technologies for each of the services (paragraph 300; paragraphs 299, 310 “authentication”; paragraph 310 “security manager”).

1.7 Regarding claim 7, Flaxer discloses the method of claim 2 wherein each identity includes **any of** an enterprise associated with the user, a role within the enterprise associated with the user, and an identifier of a client machine associated with the user (Abstract; paragraph 42 “based on user identification of a target task”; paragraph 290).

1.8 Per claim 8, Flaxer teaches the method of claim 1 wherein the services directory comprises a personalized directory corresponding to and configured by a specific user (paragraphs 29, 295).

1.9 Regarding claim 9, Flaxer discloses the method of claim 1 wherein the plurality of services are controlled by a plurality of independent service providers and employ a plurality of interfaces at least some of which are not directly interoperable (paragraph 330).

1.10 Per claim 10, Flaxer teaches the method of claim 1 further comprising facilitating copying of a previously created connector (Figs. 17A, 17B; paragraph 290, 291).

1.11 Regarding claim 11, Flaxer discloses the method of claim 10 further comprising facilitating customization of the copied connector (Figs. 17A, 17B, 23; paragraph 290, 291; paragraph 320 "customization and personalization of business processes").

1.12 Per claim 12, Flaxer teaches the method of claim 1 wherein the information for each selected connector includes **at least one of** use instructions, authentication information, an address of an interface operable to communicate with the selected connector, a message schema associated with the selected connector, and a web services description language (WSDL) file associated with the service corresponding to the selected connector (paragraph 22 "service composition schema models"; paragraphs 299, 310 "authentication"; paragraph 331 "WSDL").

1.13 Regarding claim 13, Flaxer discloses the method of claim 1 wherein the

connector design process comprises: specifying a connector name (Fig. 3, item 340; paragraphs 88); specifying a connector address (paragraph 92); specifying a connector type (Fig. 3, item 345; paragraph 88); specifying a post interface binding (paragraphs 330, 342); and specifying the at least one business process (Abstract; Figs. 17A, 17B; paragraphs 290, 291).

1.14 Per claim 14, Flaxer teaches the method of claim 13 wherein the connector address is on the services network (paragraph 92).

1.15 Regarding claim 15, Flaxer discloses the method of claim 13 wherein the connector address is on an enterprise network associated with a developer engaged in the connector design process (paragraph 92).

1.16 Per claim 16, Flaxer teaches the method of claim 13 wherein the connector type supports **one of** one-way messaging, two-way messaging, and both one-way and two-way messaging (Figs. 17A, 17B; paragraphs 290, 295).

1.17 Regarding claim 17, Flaxer discloses the method of claim 13 wherein the post interface binding corresponds to one of a SOAP interface, an FTP interface, an AS2 interface, a synchronous interface, an asynchronous interface, and a custom interface (paragraph 141, 240, 330, 333, 347).

1.18 Per claim 18, Flaxer teaches the method of claim 17 wherein the custom interface is specified by a developer engaged in the connector design process (Fig. 23; paragraphs 320, 333, 347).

1.19 Regarding claim 19, Flaxer discloses the method of claim 1 wherein each connector comprises at least one of an inbound mapping process and an outbound mapping process for mediating the business policy differences (paragraphs 287, 290, 312).

1.20 Per claim 20, Flaxer teaches the method of claim 19 wherein the at least one of the inbound mapping process and the outbound mapping process resides in the services network (paragraphs 287, 290, 312).

1.21 Regarding claim 21, Flaxer discloses the method of claim 19 wherein the at least one of the inbound mapping process and the outbound mapping process resides in an enterprise network associated with the corresponding service (paragraphs 287, 290, 312).

1.22 Per claim 22, Flaxer teaches the method of claim 1 further comprising providing at least one connector template from which the new connector may be created (paragraphs 39, 40, 301).

1.23 Regarding claim 23, Flaxer discloses the method of claim 1 wherein the new connector is not a SOAP connector, the method further comprising automatically generating a SOAP connector with reference to at least one schema file relating to the service corresponding to the new connector (paragraph 330).

1.24 Per claims 24 – 33, the rejection of claims 1 – 23 under 35 USC 102(e) (paragraphs 1.1 – 1.23 above) applies fully.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R. Coulter whose telephone number is 571 272-3879. The examiner can normally be reached on M - F, 7:30 am - 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kenneth R Coulter/
Primary Examiner, Art Unit 2441

/KRC/